

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

E BEATS MUSIC, et al.,

Plaintiffs,

v.

WANG RESTAURANT ENTERPRISES,
INC., et al.,

Defendants.

No. CV-08-0097-FVS

JUDGMENT BY CONFESSION

THIS MATTER came before the Court pursuant to the Plaintiffs' Motion for Entry of Judgment by Confession. (Ct. Rec. 12). Plaintiffs are represented by Angela Rene Martinez and Harry H. Schneider, Jr. No notice of appearance has been filed on behalf of Defendants. The matter was noted for hearing, without oral argument, on October 20, 2008.

BACKGROUND

Plaintiffs and Defendants entered into a confidential settlement agreement effective June 2, 2008. (Ct. Rec. 14 ¶ 2). Pursuant to the Settlement Agreement, Defendants were obligated to pay the amount of \$7,500.00 in five monthly installment payments. *Id.* Defendants also signed a Confession of Judgment for filing in the event of default. (Ct. Rec. 14, Exh. A).

1 On or about June 26, 2008, Defendants paid \$2,000.00 (the first
2 installment payment). (Ct. Rec. 14 ¶ 3). However, Defendants have
3 failed to make any other installment payment as required under the
4 parties' Settlement Agreement. (Ct. Rec. 14 ¶ 3). Accordingly,
5 \$5,500.00 remains due and owing. *Id.*

6 On September 19, 2008, Plaintiffs moved for the entry of
7 judgment by confession. (Ct. Rec. 12). No timely response was filed
8 by Defendants.

9 **DISCUSSION**

10 Pursuant to 28 U.S.C. § 1874, in all actions to recover amounts
11 due and owing under an agreement when the forfeiture "appears by
12 default or confession of the defendant, the court shall render
13 judgment for the plaintiff for such amount as is due." 28 U.S.C. §
14 1874. The Court has authority to enter a consent judgment pursuant
15 to an agreement by parties. *United States v. Armour & Co.*, 402 U.S.
16 673, 681-681; 91 S.Ct. 1752, 29 L.Ed.2d 256 (1971).

17 Here, the parties voluntarily entered in the Settlement
18 Agreement and Confession of Judgment authorizing entry of judgment by
19 confession. (Ct. Rec. 14, Exh. A). The parties agreed that
20 Defendants' Confession of Judgment would be filed in the event of
21 default in payment of the settlement amount. *Id.* Default has
22 occurred. (Ct. Rec. 14 ¶ 3). Accordingly, Plaintiff's motion for
23 judgment by confession as to Defendants Wang Restaurant Enterprises,
24 Inc., and Shiao-Yu Wang (Ct. Rec. 12) is **GRANTED. JUDGMENT IS**
25 **RENDERED IN FAVOR OF PLAINTIFFS AND AGAINST DEFENDANTS IN THE AMOUNT**
26 **OF \$5,500.00.** Each party shall bear its own costs.

1 **IT IS SO ORDERED.** The District Court Executive is directed to
2 enter this Order and forward a copy to counsel for Plaintiffs and to
3 Defendants. Judgment shall be entered as described above and the
4 file shall be **CLOSED**.

5 DATED this 20th day of October, 2008.

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7 S/Fred Van Sickle
8 Fred Van Sickle
9 Senior United States District Judge
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